

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare –Appeal Petitions filed by Sri Guguloth Vijendar & 25 others, R/o Rajupeta Village, Jangalapally Thanda, Narsampeta (M), Warangal District, filed under Section 7(2) of the Act 16 of 1993, against the proceedings No. C5/3342/2010, dated 27.04.2011 of the District Collector, Warangal, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya R/o Bollepalli(V), Gudur (M) Warangal District filed under Section 7(2) of the Act 16 of 1993, against the proceedings No. C5/3342/2010, dated 24.05.2011 and Sri Banothu Venkanna S/o Chandya R/o Bollepalli (V), Gudur (M), Warangal District filed under Section 7(2) of the Act 16 of 1993, against the proceedings No. C5/3342/2010, dated 24.05.2011 –Appeals rejected –Orders Issued.

SOCIAL WELFARE (CV-2) DEPARTMENT

GO.Ms.No. 13

Dated: 24-04-2012.
Read the following:

1. Proceedings of the District Collector, Warangal District No. C5/3342/2010, dated 27.04.2011.
2. Appeal Petition filed by Sri Guguloth Vijendar & 25 others, R/o.Rajupeta Village, Jangalapally Thanda, Narsampeta(M), Warangal District before M (TW), No.175/M (TW)/2011, dated 31.05.2011.
3. Govt. Memo No. 7969/CV.2/2011, dated. 08.06.2011.
4. Orders of APHC, Hyderabad in WP No. 17025/2011, dt.21.06.2011 with representation dated 14.07.2011 of DSC- 2008 Agency candidates Sri Lunavath Ravi S/o Eerya and 3 others.
5. Govt. Memo No. 7969/CV.2/2011, dated11.8.2011.
6. From the District Collector, Warangal Lr.No. C5/3342/ 2010, dt. 24.08.2011.
7. Proceedings of the District Collector, Warangal District No. C5/3342/2010, dated 24.05.2011.
8. Appeal Petitionfiled by Kum. Ajmeera Rajendra D/o Ajmeera Malsurya Occ: Un employee R/o Bollepalli(V), Gudur (M) Warangal District before M(TW)No.204/M (TW)/2011, dated 29.6.2011.
9. Govt. Memo No.9424/CV.2/2011, dated: 04-07-2011.
10. From the District Collector, Warangal Lr.No. C5/3342/2010, dt. 24.08.2011.
11. Proceedings of the District Collector, Warangal District No. C5/3342/2010, dated 24.05.2011.
12. Appeal Petition filed by Sri Banothu Venkanna S/o Chandya, Occ: unemployee, R/o Bollepalli (V), Gudur (m), Warangal District before M (TW), No.203/M (TW)/2011, dated 29.6.2011.
13. Govt. Memo No.9426/CV.2/2011, dated: 04-07-2011.
14. From the District Collector, Warangal Lr.No. C5/3342/2010, dt. 24.08.2011.
15. Appeal petition filed by Sri Kalthi Venkanna and 25 others before the Government.
16. Govt.Lr.No. 7969/CV.2/2011, dated 27.02.2012
17. From Sri Rega Kantha Rao, MLA, Khammam District, Dated: 01.3.2012 received from the M (TW).
18. Government D.O.Lr No. 3441/Cv.2/2012, dated 3.3.2012.
19. Orders of APHC, Hyderabad in WP No. 4456/2012, dt.28.02.2012 filed by Sri Kalthi Venkanna and 25 others.
20. From the District Collector, Warangal Lr.Rc No. C5/3342/2010., dated 24.3.2012.
21. Government Memo No. 7969/CV.2/2011, SW(CV.2), dt. 31.03.2012.

ORDER:

The District Collector, Warangal has cancelled the local Scheduled Tribe Candidate Certificates of Sri Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya vide their Proceedings
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1st, 7th and 11th read above.

2. Aggrieved by the proceedings of the District Collector Sri Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya filed Appeal petitions before Government vide references 2nd, 8th and 12th read above and submitted the following grounds in support of their claim.

1. The appellants are belonging to Lambada community which comes under Scheduled Tribes. They are having valid certificates in their favour, that apart they are residents of Scheduled Areas of Warangal District. The Secondary Grade Teacher posts [SGTs] available in all the schools situated in Scheduled Areas are totally reserved in favor of Local Scheduled Tribe Candidates and the said posts were notified in DSC-2008. Since the appellants are eligible to hold the said posts, they applied for the same. Accordingly hall tickets were issued after due enquiry about their community/local status. Thereafter, the appellants were permitted to attend DSC-2008 examination, in which they obtained good number of marks and their names were found in the Selection list.
2. At the time of issuance of the posting orders, some third parties viz. Kalthi Venkanna and 25 others who said to have been belonging to Koya community, which also comes under Scheduled Tribes, gave a Complaint to the authorities in connection with Local Scheduled Tribe Certificates of the appellants along with similarly situated candidates. At this juncture, it is relevant to point out that the said complainants did not find their names in the selection list, as they obtained very low marks in DSC-2008. as such, in any event they would not get selection, hence, they made fictitious complaints against these appellants.
3. The above complainants filed a WP No. 15663 of 2010 before the Hon'ble High Court challenging the action of the respondents therein including the respondents herein in not canceling the Local Scheduled Tribe Certificates issued earlier in spite of subsequent reports on different dates submitted by the Tahsildars of the concerned Mandals as illegal and sought for direction to the respondents to cancel the Local Scheduled Tribe Certificates issued earlier by following due process of law. It is relevant to point out that even as per the reports of the concerned Tahsildars, which were relied upon by the above mentioned writ appellants, the certificates of the appellants are genuine. However, the Hon'ble High Court granted an interim order dt: 13.07.2010 directing the respondents to conclude further proceedings following due process of law.
4. The 1st respondent Collector subsequent to the interim orders passed by the Hon'ble High Court directed the concerned Tahsildars to conduct enquiry and to submit report. Accordingly, the concerned Tahsildars submitted their reports to the Collector stating that the claim of the appellants is genuine and the Local S.T. certificates issued in their favour are also genuine. For example in connection with the 1st petitioner, the Tahsildar of Narsampet conducted an enquiry and submitted a report to the Collector on 22.9.2010 saying that the Agency Certificate issued to the Appellant No. 1 is found genuine, the same is evident from the impugned order itself.
5. Subsequently the matter was referred to the 2nd respondent i.e. District Level Scrutiny Committee by the 1st respondent. Further the matter was referred to the concerned R.D.Os for detailed enquiry and to submit the reports, the same is also evident from the impugned order. The concerned RDOs conducted enquiries behind the back of the appellants and submitted reports to the Collector. For example in case of the 1st Appellant the RDO
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Narsampet conducted an enquiry and submitted a report to the Collector on 11.11.2010, based upon the same the impugned orders were passed canceling the Local Schedule Tribe Certificates of the Appellants, the same is illegal, unjust and arbitrary.

6. The concerned Tahsildars and the RDOs were directed to conduct repeated enquiries. In fact, there were three reports of the concerned Tahsildars and three reports of the RDOs in connection with all the appellants. The earlier reports of the said authorities are in favour of the appellants. For example one such report of the RDO in connection with some of the appellants including the 1st appellant is filed herewith, wherein it is found by the concerned authorities that the Agency Certificates issued in favour of the said appellants are genuine. In spite of it, the authorities were directed to conduct repeated enquiries till they got negative report against the appellants. Except the report of the RDO Narsampet dt:11.11.2010. Therefore, the action of the respondents in conducting repeated enquiries till they disprove the genuine claim of the appellants, is totally bad and amounting to colourable exercise of power. Hence, the impugned orders have to be set-aside.
7. The respondent authorities referred the reports of the RDOs in the impugned orders, which are against the appellants, while leaving the earlier reports of the same authorities, which are in favour of the appellants. For example in connection with the 1st petitioner, the respondent authorities referred to the report of RDO Narsampet dt: 11.11.2010, which was prepared behind the back of the 1st appellant and the same was never served upon him. However, that is the basis for issuance of the impugned order. Therefore, the action of the respondents in issuing the impugned order in canceling the Local Schedule Tribe Certificates of the appellants including the 1st petitioner is totally illegal and unjust.
8. The respondent authorities having initiated the enquiry under the provisions of the AP [SC, ST, and BC] Regulation of issuance of Community certificates Act, 1993 and the Rules made there under, they ought to have scrupulously followed the mandatory procedure contemplated under the Act and rules made there under before issuing the impugned order. However, they have miserably failed to do so, therefore, the entire action of the respondents including issuance of the impugned orders, is totally vitiated on the ground of violative of principles of natural justice apart from substantial violation of statutory procedure contemplated under the Act and rules made there under.
9. Section 5(1) of the Act, 1993 deals with the cancellation of false community certificate, whereas, Rule 9 of the Rules prescribes the procedure for cancellation of said false community certificate. Rule 9 (2) of the Rules says that the 2nd respondent shall follow the procedure as listed in Rule 8 (d) (1) to (7). As such the respondent authorities ought to have followed the procedure contemplated under the Act and the Rules made there under, as they have initiated enquiry under the Act. Rule 8 (d) (4) says that the authorities have to follow due process for cancellation of false certificates. In fact, the respondent authorities did not follow any procedure though they have mentioned that they followed the procedure under Act, 1993, the same is evident from the impugned order itself read with procedure contemplated under Rule 8 (d) (1) to (7) of the Rules. As such the impugned orders are not only vitiated on the ground of violative of principles of natural justice, but also violative of the substantial procedure contemplated under the Act and Rules made there under, therefore the same have to be set- aside.

10. As per Rule 8 (5) of the Rules, the authorities have to examine the anthropological and ethnological traits, deity, rituals, customs, made of marriage, death ceremonies/method of burial of dead bodies etc. of the particular tribe. In the instant case the respondent authorities, while examining the veracity of the certificates produced by the appellants including the 1st petitioner, miserably failed to follow the above mentioned procedure and passed the impugned orders and as such the same have to be set – aside.
11. The authorities have to provide reasonable opportunity to the candidates to prove their caste as per Rule 8 (d) (6) of the Rules, but the same is lacking in the instant case, that is evident from the reading of the impugned order read with the concerned Rules. As such the impugned order read is bad and illegal.
12. As per Rule 8 (d) (7) and Rule 9 (5) of the Rules, the respondent authorities shall compare the enquiry reports of the revenue dept., furnished by the District Collector and the reports of the expert or officer of the Research Organization of the Commissioner of Tribal Welfare and then they have to finalize its findings whether the community, nativity etc. is genuine or otherwise. The same is mandatory procedure, but that was never followed by the respondent authorities while issuing the impugned orders. Therefore, the impugned orders are totally illegal, unjust and contrary to the procedure contemplated under the Act and Rules made there under.
13. The appellants submitted various documents to prove that they are residing in Scheduled Areas right from 1950 onwards as required in G.O.Ms. No. 3 dt. 10.1.2000, but the same was not properly examined by the respondents while passing the impugned orders, the same is evident from mere reading of the impugned orders. For example with reference to the 1st petitioner, the authorities passed the impugned order dt: 27.4.2011 mentioning that the petitioner has submitted Xerox copies of various documents including the Holding Register of 1954 -55, wherein the 1st petitioner's grand –father's name was shown. The respondent authorities while considering the same mentioned that the documents pertaining to year 1954 onwards are not proving that the 1st petitioner or his fore-fathers are residing in the concerned village of the Scheduled Area right from 1950. The respondent authorities have to consider the genesis/basis of the document but not the nomenclature of the document, that itself shows the total non-application of mind on their part in passing the impugned order. Therefore, the orders of the 1st respondent have to be set-aside.
14. The respondent authorities while passing the impugned order did not give any sound reasons except mentioning that the appellants failed to produce documents to establish that they are residing in Scheduled Area right from 1950 onwards and did not properly consider the individual statements given by the third parties and Xerox copies of the various documents submitted in support of their claim that they are residing in the Scheduled Area right from the year 1950 or even before that. The documentary evidence produced by the appellants is with reference to their landed properties without reference to their residence, which is in and around the concerned village of the Scheduled Area. The said aspect was never considered by the respondents while passing the impugned orders. Therefore, the impugned orders passed by the Collector are also illegal on the ground of irrationality. Hence, the same have to be set – aside.
15. The impugned orders were passed by the 1st respondent against the appellants is based on same reasons, which are irrational apart from
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erroneous. The 1st respondent passed the impugned orders stating that the appellants failed to prove that they are residing in the Agency Area right from 1950 onwards, in the documents which are submitted in support of claim of the appellants, there is no mention about the residence of the appellants and in connection with some of the appellants it is further mentioned that the villages in which their forefathers were residing are deserted villages. The documents which are submitted to substantiate the claim of the appellants stating that their forefathers were residing in the Agency Areas of Warangal District even before 1950 were not considered in its proper perspective and the respondents merely gone through the nomenclature of the documents. If the documents filed by the appellants are considered in its proper perspective the respondents would have come to a conclusion that the appellants forefathers were residing in the said area even before 1950. Therefore, the finding of the first respondent that the revision appellants have failed to prove that they are residing in Agency Area right from 1950 onwards and the documents filed do not contain the residence is totally erroneous as stated above, in connection with some of the appellants. It is mentioned in the impugned orders that the villages which were mentioned as place of residence are deserted villages. In this connection it is submitted that even assuming so, the respondents can not deny the fact that the forefathers of the appellants were residing in and around the deserted villages and the documents which were submitted by them can not be ignored for the purpose of deciding eligibility to obtain Local ST Certificates. It is also relevant to point out that the appellants belong to Lambada community and their forefathers are totally illiterates and they are residing in Agency Areas, therefore, they could not maintain the record, though they are residing in the Agency Area even prior to the year 1950. The said crucial aspect was not considered by the respondents while passing impugned orders. Therefore, the impugned orders passed by the 1st respondent are neither legal nor correct.

16. The authorities have not issued Local ST Certificate under the provisions of Act, 1993 and Rules made there under. Hence, they can not cancel the Local ST Certificates of the appellants under the provisions of Act, 1993 and Rules made there under, Assuming without conceding that the respondent has power to do so, they did not follow the mandatory procedure contemplated under the provisions of Act, 1993 and Rules made there under. Hence, the impugned orders are without jurisdiction.
17. The G.O.Ms.No. 3 does not say that only particular group of ST candidates alone should satisfy the conditions specified therein, in fact, it applies to all Scheduled Tribe candidates. However, the authorities did not conduct any enquiry against the candidates who made complaint against the appellants, though there is written complaint by the appellants against those candidates. In fact, a Writ petition WP No. 31144 of 2011 was filed before the Hon'ble High Court, wherein the Hon'ble High Court pleased to pass an interim order dt: 21.4.2011 directing the respondents to consider the applications in terms of G.O.Ms. No.3. The said order was served upon the respondent authorities. However, for the reasons best known to the respondents, they are not taking any action in connection with those candidates, who belong to Koya community (ST). Therefore, the action of the respondents is totally illegal and unjust.
18. Time and again the concerned grampanchayats wherein the appellants are residing passed resolutions saying that the appellants are residing in their respective villages. That was also not considered by the authorities while passing the impugned orders. Therefore, the action of the respondents in taking the irrelevant material while leaving the relevant material into consideration is erroneous. Therefore, the impugned orders have to be set –
aside.
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19. Appointment orders were given to the similarly placed candidates, sample copies are filed. The same is denied to the appellants based on a complaint made against the petitioner community people i.e. ST Lambada by the ST Koya out of vengeance and to get undue advantage though they are not in the merit list. Therefore, the entire action of the respondents in initiating the proceedings against the Appellant at the instance of the persons who are not in the merit list, is totally capricious, therefore, arbitrary and illegal.
20. The impugned orders were issued to all the appellants by issuing common orders of the even date by the 1st respondent and all of them belong to Warangal District and the impugned orders passed against the appellants are one and the same, and also the cause of action and the respondents are one and the same, therefore, the appellants are constrained to file single Appeal before this Hon'ble Court authority.
- a) The 2nd respondent failed to appreciate the statements given by the Village elders in favour of the Appellant and also failed to follow the Section-9(e) (d) of the AP (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993.
 - b) The 2nd respondent failed to see that the 4th respondent got the statement of the Village elders and they stated that the Appellant father and forefathers have been residing for the last sixty (60) years in the Bollepalli Village, which comes under the purview of Agency Area.
 - c) The 2nd respondent failed to follow the Rule-8(5) of the AP (SCs, STs, and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 during the scrutiny and the 1st respondent also failed to find out the same.
 - d) The respondents failed to see that the culture, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc.
 - e) The 2nd respondent failed to follow the Rule-8(6) of the AP (SCs, STs, and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 during the scrutiny and the 1st respondent also failed to find out the same.
 - f) The 2nd respondent failed to see that the "Ajemeera" family is in the said Village.
 - g) Other grounds would be urged at the time of hearing of the case.
 - h) The 2nd respondent failed to appreciate the statements given by the Village elders in favour of the Appellant and also failed to follow the Section-9(e) (d) of the AP (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993.
 - i) The 2nd respondent failed to see that the 4th respondent got the statement of the Village elders and they stated that the Appellant father and forefathers have been residing for the last sixty (60) years in the Bollepalli Village, which is come under the purview of Agency Area.
 - j) The 2nd respondent failed to follow the Rule-8(5) of the AP (SCs, STs, and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 during the scrutiny and the 1st respondent also failed to find out the same.
 - k) The respondents failed to see that the culture, customs, mode of marriage, death ceremonies/method of burial of dead bodies etc.
 - l) The 2nd respondent failed to follow the Rule-8(6) of the AP (SCs, STs, and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 during the scrutiny and the 1st respondent also failed to find out the same.
 - m) The 2nd respondent failed to see that the "Banothu" family is in the said Village.
 - n) Other grounds would be urged at the time of hearing of the case.

3. The Government have admitted the appeal petitions and requested the District Collector, Warangal vide Memo 3rd, 9th, 13th read above to furnish para wise remarks and connected records for disposal of the case. Based on the orders of the Hon'ble High Court, Hyderabad in WPNo. 17025 of 2011 dated 21.06.2011 Government stayed the proceedings No. C5/3342/2010, dated 27.04.2011 of the District Collector, Warangal in the reference 5th read above.

4. The District Collector, Warangal has furnished the relevant records and following para wise remarks vide reference 6th, 10th, and 14th read above on the Appeal Petitions filed by Sri Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya.

Sri Kalthi Venkanna S/o Pommaiah and (25) others have filed a W.P.No. 15663/2010 and also a WPMP No. 19732/2010 in the WP No. 15663/2010 before the Hon'ble High Court of AP for implementation of reports submitted by the Tahsildars of Gudur, Kothaguda, Khanapur, Narsampet, Govindaraopet, Tadvai, Nallabelli and Mangapet Mandals for cancellation of the Local Scheduled Tribe candidate certificates issued earlier before considering the cases of such persons for appointment to the post of Secondary Grade Teachers in respect of DSC – 2008 for Warangal District pending WP No. 15663/2010 on the file of High court of AP. The Hon'ble High Court has issued orders in WPMP No. 19732/2001 dated 13-7-2010 directing the District Collector, Warangal to conclude further proceedings on the reports of the Tahsildars if not already concluded following due process of law within a period of (4) weeks from the date of receipt of the orders.

The Tahsildars of the concerned Mandals were requested to verify the certificates of the candidates to whom the alleged bogus agency certificates were issued and also to report for cancellation of the certificate in respect of each candidate along with connected file immediately for taking further necessary action as per the orders of the Hon,ble High Court.

Government has issued orders in G.O.Ms. No. 3 SW(TW-Edn-II) Dept., dated 10.01.2000 reserving all vacancies in the Educational Institutions within the Schedule Areas in favour of Local Scheduled Tribes. The Govt. of AP in order to strengthen the educational infrastructure in the Scheduled Areas, to promote educational development of Tribals, to solve the phenomenal absenteeism of teachers in the schools situated in Scheduled Areas and with a view to protect the interest of Local tribals have decided to reserve the posts of teachers in favour of Local Scheduled Tribe candidates. According to the Government orders the Local ST Candidate means, "the candidates belonging to the Scheduled Tribes notified as such under Article 342 of the Constitution of India the candidates themselves or their parents have been continuously residing in the Scheduled Areas of the District in which they are residents till to since 26-01-1950."

The Tahsildars of the concerned Mandals were requested to send their reports on the alleged bogus Local ST candidate certificates (Agency Certificates) along with connected files for taking necessary action asper the orders of the Hon'ble High Court, Hyderabad.

On receipt of the report from the Tahsildars concerned the matter was placed before the DLSC, heard the individual and also obtained further enquiry report from the RDO, concerned. On receipt of the RDO report the matter has again been examined by the District Level Scrutiny Committee regarding continuous residence in Agency Area since 26-1-1950 interms of G.O.Ms.No. 3 Social Welfare (TW-Edn-II) Dept., dt. 10.01.2000, and found that the individual or their parents are not the continuous residents of Agency Area, therefore the Local ST candidate certificates of the (28) candidates were cancelled.

5. Sri Kalthi Venkanna and (25) have filed an implead petition before the Government in the reference 15th read above. Government after careful examination of the implead petition, impleaded them as respondents in the Appeal Petition filed
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by Sri Guguloth Vijendar & 25 others as per Rule 9 (a to e), Act 16 of 1993 in the reference 16th read above. In the reference 17th read above Sri Rega Kantha Rao, M.L.A, Khammam, while furnishing the representation of Adivasi Hakkula Porata Samithi (Thudum Debba) along with 100 DSC-2008 candidates list whose caste certificates were cancelled by the District Collector, Warangal has requested to vacate the stay orders issued by the Govt. in Memo No. 7969/CV.2/2011, dated 11.08.2011 against the proceedings No. C5/3342/2010, Dt. 27.04.2011 on the appeal petition filed by Sri Guguloth Vijendar & 25 others. In the reference 18th read above the District Collector, Warangal has been requested to furnish the original connected records of the rest of the 72 DSC-2008 candidates whose Local Scheduled Tribe candidate's certificates were cancelled by the District Collector, Warangal.

6. The Hon'ble APHC, Hyderabad while disposing the WPNo.4456 of 2012 filed by Sri Kalthi Venkanna and 25 others before the APHC, Hyderabad to implead them as respondents in the appeal petition filed by Sri Guguloth Vijendar & 25 others and to vacate the stay orders issued in the said appeal petition, directed the respondent (appellate authority) to consider and pass appropriate order on merits on the applications filed by the petitioners to get them impleaded as parties in the Appeal and also to vacate the stay granted in the appeal with in a **period of six weeks** from the date of receipt of the order in the reference 19th read above.

7. In the reference 20th read above the District Collector, Warangal has furnished reports for the rest of the 72 DSC-2008 candidates whose Local Scheduled Tribe candidate's certificates were also cancelled by the District Collector, Warangal.

8. In the reference 21st read above the case was posted for hearing on 11.04.2012 and 12.04.2012 (two days between 10.30 AM to 5.00 PM) before the Appellate Authority and the appellants, counsels for the appellants were requested to attend the hearing of the case. Advocates for appellants and the advocates for Sri Kalthi Venkanna and 25 others were presented and both parties argued the case.

9. After examination of the proceedings dated: 27.04.2011 and 24.05.2011 and the records of the District Collector, Warangal, appeal petitions and material submitted by the respondents at the time of hearing of the case and the material available with the Government, it is observed that based on the interim orders of the Hon'ble High Court in WPMP No. 19732 of 2010, dated 13.07.2010 filed by Sri Kalthi Venkanna and 25 others, the District Collector, Warangal have requested the concerned Tahsildars and RDOs to verify the genuineness of the Local Scheduled Area Certificates issued to the candidates as per the terms and conditions of G.O.Ms.No. 3, SW(TW Edn-II) Department, dated 10.01.2000.

10. The District Collector, Warangal based on the report of the RDO, the DLSC and after perusing the connected records, the evidences furnished by the candidates, the explanations of the candidates concluded that the individuals have failed to produce any documentary evidence to confirm their residence in the Agency Area of Warangal District continuously from 26.01.1950 as per the term and conditions of G.O.Ms.No. 3, SW(TW Edn-II) Department, dated 10.01.2000 and accordingly cancelled the Local ST Certificates issued to the individuals by the concerned Tahsildars of Warangal District., hence the action of the District Collector, Warangal is in accordance with the terms and conditions issued in G.O.Ms.No.3, SW (TW Edn.II) Department, dated 10.01.2000.

11. Further it is observed that at the time of hearing also the appellants have furnished the same material to the Government which has been furnished to the District Collector, Warangal, i.e. the Certificates for the years 1954 -1956 onwards only as of they belong to 1950 as per the G.O.Ms.No.3, SW (TW Edn.II) Department, dated 10.01.2000 to consider them as their Agency Area Certificates. Therefore, Sri

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Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya appellants 28 and rest of the 72 others whose local Scheduled Tribe Candidates (Agency Area Certificates) were cancelled by the District Collector, Warangal, do not belong to local Scheduled Tribe Candidates (Agency Area candidates) and Collector Warangal's Proceedings are in accordance with Rules applicable to the G.O.Ms.No.3, SW (TW Edn.II) Department, dated 10.01.2000.

12. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petitions filed by Sri Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya do not deserve any interference. Hence, Proceedings of the District Collector, Warangal in canceling local ST Candidate Certificates issued by the concerned Tahsildars in respect of 100 candidates including the 28 present appellants are upheld and the appeal of Sri Guguloth Vijendar & 25 others, Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya are hereby rejected.

13. The District Collector, Warangal is requested to take further necessary action in the matter accordingly.

14. The records furnished by the District Collector, Warangal vide references 6th, 10th, 14th, and 20th read above (containing pages in main file no. pp 01-14 and cf pp.01-348 and also the records of the individuals of total 100 (including Kum. Ajmeera Rajendra D/o Ajmeera Malsurya and Sri Banothu Venkanna S/o Chandya) candidates) are returned herewith and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. A.VIDYASAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)

To
The District Collector, Warangal (w.e)(With original records) (By RPAD).

Sri Guguloth Vijendar S/o Eerya, R/o Rajupeta (V), Jangalapally Thanda, Narsampeta (M), Warangal District.

Sri Maloth Kishan S/o Narasimha, and Sri Banothu Pool Singh, S/o Venkata Rao, R/o Ootal (V), Kottaguda (M), Warangal District.

Sri Lunavath Ravi S/o Eerya, R/o Durgaram (V), Kottaguda (M), Warangal District.

Sri Dharavathu Mohanlal S/o Samya, R/o Ippalathanda Gudur (V&M), Macharla post, Warangal District.

Sri Banothu Mohan S/o Valya, and Sri Banoth Ravi S/o Nanda, R/o Dabeerpet (V), Khanapur (M), Warangal District.

Sri Banoth Roop Singh S/o Samya, R/o Dotai (V) Kothaguda (M), Warangal District.

Sri Banothu Eerulal S/o Chandru, R/o Manjyanaik Thanda, Rajupeta (V), Narsampeta (M), Warangal District.

Sri Banothu Devendar S/o Lalu, R/o Gudur (V & M), Warangal District.

Sri Boda Ravinder S/o Samya, R/o Kothapalli (V), Kothaguda (M & Post), Warangal District.

Sri Dharavathi Nehru S/o Goliya, R/o Calcutta Thanda, Gudur (V &M), Warangal District.

Sri Boda Halchaiah S/o Deshya, R/o Gunjed (V), Kothaguda (M), Warangal District

Sri Banoth Shobhan Babu S/o Sevyra, R/o Kothaguda (V &M), Warangal District.

Sri Lavudya Ramesh S/o Dasru R/o Dumpelly Gudem (V&Post), Govindaraopet (m), Warangal District.

Sri Ajmeera Raghu S/o Bikku Naik, R/o Govindaraopet (V,M&Post), Warangal District.

p.t.o.

Sri Bhukya Sarangapani S/o Rupla, and Sri Banoth Srinu S/o Dansing, and Sri Tejavath Sukya S/o Beekya, R/o Medarmula (P& V), Govindaraopet (M), Warangal District.

Sri Banoth Koti S/o Loka, and Sri Lakavath Harilal S/o Thukaram, and Sri Azmeera Rajendar S/o Veeranna Naik R/o Karlapally (P&V), Govindaraopet (M), Warangal District.

Sri Jatothu Somla S/o Surya, [Bhadru Thanda] and Sri Banothu Narsimha S/o Thulcha, [Kodthimat Thanda] R/o Mangalavaripet (V), Khanapur (M), Warangal District.

Sri Angoth Suresh S/o Anda, R/o Gorlagadda Thanda, H/o Rajupeta (V), Narsampeta (M), Warangal District.

Ajmeera Malathi D/o Samuel, R/o Govindaraopet (V & M), Warangal District.

Sri K.R. Prabhakar, Advocate, Plot No. 410, Road No. 22, Jubilee Hills, Hyderabad -500033.

Kum. Ajmeera Rajendra D/o Ajmeera Malsurya Occ: Un employee, R/o Bollepalli(V), Gudur (M), Warangal District.

Sri Kesana Ramakoteswara Rao, Advocate, H.No. 12.2.709/1/20, Opp: VBG Garadens, Gudi Malkapor, Mehidipatnam, Hyderabad-500028.

Sri Banothu Venkanna S/o Chandya, Occ: unemployee, R/o Bollepalli (V), Gudur (m), Warangal District.

Sri Kesana Ramakoteswara Rao, Advocate, H.No. 12.2.709/1/20, Opp: VBG Garadens, Gudi Malkapor, Mehidipatnam, Hyderabad-500028.

Sri Kalthi Venkanna S/o Pommaiah, R/o Gopalapuram (V), Bathulapalli (P), Kothaguda (M), Warangal District and 25 others.

The District Collector, Warangal (we) (with a request to serve the copies to Sri Kalthi Venkanna and 25 others indicated in the appeal petition) and furnish served copies to Government.

Copy to:The P.S. to M (TW)

The P.S. to Principal Secretary (TW)

The Director, TCR & TI, AP., Hyderabad.

SF/SC.

// Forwarded :: By Order //

SECTION OFFICER.